



2017/2206(INI)

16.4.2018

OPINION

of the Committee on Women's Rights and Gender Equality

for the Committee on Foreign Affairs

on violation of the rights of indigenous peoples in the world, including land
grabbing
(2017/2206(INI))

Rapporteur: Florent Marcellesi

SUGGESTIONS

The Committee on Women's Rights and Gender Equality calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas indigenous women face a complex system of mutually reinforcing human rights abuses that derive from intersecting forms of vulnerability, including discrimination based on gender, class and ethnic origin, violations of their rights of self-determination and the control of resources;
- B. whereas land grabbing is a complex issue which requires a comprehensive international solution; whereas the protection of indigenous women and girls should be given particular emphasis;
- C. whereas it has been estimated that one in three indigenous women are raped during their lifetime; whereas indigenous women are more likely to experience different forms of sexual violence and have also been victims of harassment, extortion and rape by state officials and in the context of business activities, particularly by the extractive industries, carried out on indigenous lands; whereas there is significant underreporting of these crimes;
- D. whereas land grabbing is not necessarily a result of foreign investment, and land grabs may also be conducted by governments and local communities;
- E. whereas indigenous women face barriers to sexual and reproductive health and rights, including a lack of sexual and reproductive health advice, lack of access to facilities and supplies and legislation banning abortion even in cases of rape, which leads to high levels of maternal mortality, teenage pregnancy and sexually transmitted diseases;
- F. whereas indigenous women face widespread impunity regarding violations of their rights, especially due to the denial of their right to remedy and the lack of monitoring mechanisms and gender-disaggregated data;
- G. whereas indigenous peoples' lands and territories tend also to be areas of high biological diversity and should therefore be subject to special protection;
- H. whereas the United Nations Declaration on the Rights of Indigenous Peoples provides that indigenous peoples need to be consulted and their free, informed and prior consent given to any measure affecting their lands and territories; whereas the implementation of this principle requires the full participation of indigenous women in these processes;
- I. whereas the establishment of large infrastructure projects without the free, informed and prior consent of indigenous peoples has led to systematic violations of indigenous land rights and self-determination which have had a disproportionate effect on indigenous women;
- J. whereas even though indigenous female human rights defenders play a vital role in the protection of women in indigenous communities, their activities have been criminalised and they have been subjected to various forms of violence, including harassment, rape

and murder;

- K. whereas there has been an increase in private forms of compensation through which private undertakings offer financial compensation to women who are victims of violence in return for signing an agreement not to sue the undertaking; whereas states bear the primary responsibility for ensuring compliance with international commitments with respect to indigenous peoples' rights and must therefore be primarily responsible for avoiding infringements and promoting truth, justice and reparations for the victims;
- L. whereas the violations of the right to self-determination perpetuated by neo-colonial power structures and state practices have a negative impact on indigenous peoples, particularly women and girls;
- M. whereas there is a direct link between the collective rights and individual rights of indigenous women, given that human rights violations at an individual level have a negative impact on collective efforts to assert the rights of indigenous peoples as a group;
- N. whereas the scant protection of indigenous peoples' land and land-ownership rights exposes indigenous women to forced displacement, exploitation and trafficking in human beings, which makes it easier for governments to impose destructive projects in their territories without obtaining prior consent following a genuine process of consultation of the indigenous peoples;
- O. whereas forcible land grabbing by private companies is usually accompanied by the presence of private security or military forces, leading *inter alia* to an increase in direct and indirect violence on indigenous peoples' territories, directly affecting communities and, in particular, social leaders and women;
- P. whereas there have been historical violations of the sexual and reproductive rights of indigenous women, including forced sterilisation and forced marriages as part of cultural assimilation policies;
- Q. whereas the increasing liberalisation and deregulation of the market has led to direct foreign investment in indigenous peoples' territories without their prior consent or a genuine process of consultation, resulting in violations of the human rights of indigenous women; whereas development cannot be measured on the basis of growth indicators, but should primarily take account of the reduction of poverty and inequality;
- 1. Calls on all the Member States to legally recognise the rights of indigenous peoples to their ancestral territories; stresses the special connection between indigenous women and their ancestral territories, especially in relation to traditional practices for the sustainable management of natural resources, the model of community support and resilience, which contain lessons for other communities that cannot be lost; expresses its concern about the consequences of land grabbing and resources extraction on indigenous communities, particularly on indigenous women, leading to situations of poverty, exclusion and human rights violations, including gender-based violence, abuses and exploitation;
- 2. Calls on the EU to engage in constructive negotiations on a United Nations treaty on

transnational corporations that guarantees respect for the human rights of indigenous peoples, and of women and girls in particular;

3. Underlines the direct impact that climate change has on indigenous women, forcing them to abandon their traditional practices or to be displaced, with the consequent risk of experiencing violence, abuse and exploitation; calls on all states, including the EU and the Member States, to include indigenous peoples, and especially indigenous women and rural communities, in their strategies for tackling climate change and in the design of efficient climate strategies relating to adaptation and mitigation, taking gender-specific factors into account; requests that the issue of climate-induced displacement be taken seriously; is open to a debate on establishing a provision concerning 'climate migration'; calls for the establishment of a panel of experts to explore this matter at international level, and urges that the issue of climate migration be placed on the international agenda; calls for strengthened international cooperation in order to ensure climate resilience;
4. Takes note of the alarming findings of the study published by the UN in 2010 indicating that the incidence of violence and rape affecting women members of indigenous populations is higher than that for the female population globally; calls, therefore, on the Member States and the EU to condemn unequivocally the use of violence, including sexual violence, against indigenous women; considers that special attention should be devoted to women and girls who are victims of violence, ensuring that they have access to emergency medical and psychological support;
5. Calls therefore on the Commission, in the context of its foreign policy, to work together with civil society and human rights organisations to ensure that the human rights of indigenous peoples in reception centres are upheld, particularly in respect of vulnerable women and girls;
6. Calls on all states to commit themselves to ensuring that indigenous peoples, and particularly girls and women, have proper access to education, to promoting intercultural public policies and to developing initiatives to raise awareness in civil society of the rights of indigenous peoples, in order to combat stereotyping; calls on all states to ensure the preservation of indigenous peoples' cultural diversity by developing, in collaboration with indigenous peoples and particularly women, materials for education systems and capacity building programmes to increase awareness about the culture, traditions, languages and rights of indigenous peoples; calls on all states to include such materials and capacity building programmes in the training of public officials, including police, judiciary and health personnel;
7. Calls on all states to ensure the free, informed and prior consent of indigenous peoples pertaining to all projects that may affect them, and to ensure that the rights of indigenous peoples, including land-related rights, are respected and protected throughout the process; calls on all states to ensure that this consent is required for all interlocutors, including companies which pursue activities in third countries;
8. Calls for the withdrawal of private security and military forces deployed in the territories of indigenous peoples in violation of their rights;
9. Calls on all states to ensure that indigenous peoples, in particular women, have access to

judicial mechanisms in cases of corporate violations of their rights, and that private forms of remedy that do not ensure effective access to justice are not legitimised; calls on all states to recruit more women into their judicial systems in order to break the patriarchal system that is generally present in those structures; stresses the need to put in place the necessary mechanisms to ensure that indigenous women are not treated in a discriminatory way, including appropriate interpretation services and legal assistance;

10. Calls on all states to provide for adequate regulations that would hold community leaders accountable for their decisions and actions in the field of land governance involving public, state and community lands and to encourage changes in legal and customary practices that discriminate against women in relation to land ownership and inheritance;
11. Calls on all states to ensure that indigenous women and girls enjoy full protection and guarantees against all forms of violence, including sexual and gender-based violence, gender-based killings, early and forced marriages, female genital mutilation and other harmful practices;
12. Calls for EU legislation introducing due diligence obligations based on the UN Guiding Principles on Business and Human Rights and the OECD Due Diligence Guidelines to ensure respect for human rights, including indigenous women's rights, and adequate social and environmental standards; recommends that greater prominence be given to this issue in the EU's foreign policy, including in its human rights dialogues with third countries and in EU policy documents as well as in trade, cooperation and development agreements negotiated or concluded with other countries; calls therefore for binding and enforceable provisions on human, labour and environmental rights in EU trade agreements that put a specific emphasis on the rights of indigenous peoples, particularly women;
13. Calls on all states to ensure access to high-quality health services and rights, particularly sexual and reproductive health services and rights, for indigenous women and girls; calls on the Commission and the EEAS to promote their access to sexual and reproductive health services in EU development cooperation programmes;
14. Calls on all states to take the necessary measures to ensure that state authorities refrain from making public statements or declarations that stigmatise and undermine the legitimate role played by indigenous women in protecting their territory in the context of land grabbing and resource extraction, and encourages public recognition of the important role they play in democratic societies;
15. Calls on all states, including the EU and its Member States, to collect gender-disaggregated data on the situation of indigenous women, including with regard to recognition of and access to land rights, violence against women and food security;
16. Condemns the criminalisation and prosecution of indigenous women human rights defenders; calls on the Commission and the EEAS to commit specific EU funds to safeguarding territories for community protection and to ensure that adequate funding is allocated for the support of indigenous human rights defenders, in particular women, notably under the EIDHR and the ProtectDefenders mechanism; urges the EU Delegations in relevant countries to monitor the situation of indigenous women human

rights defenders closely and to provide all appropriate support;

17. Calls on the Commission to enhance reporting on and the monitoring of large-scale land acquisitions involving European investors in order to evaluate in a timely manner the risks for indigenous people and especially women;
18. Calls on the Commission and the EEAS to design and implement programmes that address the specific and collective rights of indigenous peoples, including their right to non-discrimination and land-related rights;
19. Calls for the European Union to strengthen the EU Land Policy Guidelines and the protection of human rights in international agreements and treaties, and to promote its values regarding the protection of women and girls, especially women and girls in rural areas who are generally more vulnerable when faced with land changes and who tend to have less access and rights to land;
20. Calls for the European Union to support developing countries in decision-making on the framework for investments, while promoting the inclusion of all stakeholders in this process, especially women and indigenous women;
21. Calls on all states and the EU to promote and recommend better data collection on indigenous people broken down by gender, bearing in mind the vulnerability and the position of women and girls;
22. Calls on all states to invest in research to close the gap in knowledge on the impact of land grabs on women and to produce deeper analysis of the gender implications of the phenomenon which would lead to enforceable guidelines to govern land transactions;
23. Stresses that foreign investment by companies can bring economic and technological progress, result in employment and infrastructure development and give women the opportunity to become self-sufficient by boosting employment; underlines that increasing investment activity in developing countries is an important step towards boosting national and regional economies.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	12.4.2018
Result of final vote	+: 13 -: 4 0: 6
Members present for the final vote	Daniela Aiuto, Beatriz Becerra Basterrechea, Vilija Blinkevičiūtė, Anna Maria Corazza Bildt, Iratxe García Pérez, Anna Hedh, Teresa Jiménez-Becerril Barrio, Florent Marcellesi, Angelika Mlinar, Marijana Petir, João Pimenta Lopes, Ángela Vallina, Elissavet Vozemberg-Vrionidi, Jadwiga Wiśniewska
Substitutes present for the final vote	Livia Járóka, Urszula Krupa, Kostadinka Kuneva, Nosheena Mobarik, Jordi Solé, Marc Tarabella, Mylène Troszczynski, Julie Ward
Substitutes under Rule 200(2) present for the final vote	Margrete Auken

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

13	+
ECR	Nosheena Mobarik
EFDD	Daniela Aiuto
GUE/NGL	Kostadinka Kuneva, João Pimenta Lopes, Ángela Vallina
S&D	Vilija Blinkevičiūtė, Iratxe García Pérez, Anna Hedh, Marc Tarabella, Julie Ward
VERTS/ALE	Margrete Auken, Florent Marcellesi, Jordi Solé

4	-
ECR	Urszula Krupa, Jadwiga Wiśniewska
ENF	Mylène Troszczynski
PPE	Marijana Petir

6	0
ALDE	Beatriz Becerra Basterrechea, Angelika Mlinar
PPE	Anna Maria Corazza Bildt, Teresa Jiménez-Becerril Barrio, Livia Járóka, Elissavet Vozemberg-Vrionidi

Key to symbols:

+ : in favour

- : against

0 : abstention